

Message

From: Pessetto, Jared [Pessetto.Jared@epa.gov]
Sent: 8/6/2020 8:46:20 PM
To: Juett, Lynn [Juett.Lynn@epa.gov]
CC: Mehta, Sandeep [mehta.sandeep@epa.gov]; McLarty, Cody [McLarty.Cody@epa.gov]; Hoefer, David [Hoefer.David@epa.gov]
Subject: RE: Vogel Paint & Wax Company Superfund Site - Draft EPA Supplemental Memorandum to the Fifth Five-Year Review Report

Hi Lynn – I'll be out of office next Monday through Friday, coinciding inconveniently with Cody's absence, too.

I spoke with Alyse just a bit ago and you might have seen she sent a list of search terms and custodians to Edie, who will coordinate with headquarters to perform the search. Alyse cautioned, though, that HQ might need to consult with us to refine/expand the search, depending on outputs from the suggested searches. If HQ gets to this search next week, in my and Cody's absence, then we ought to have someone designated to coordinate with HQ as needed. Do you want to fill that function, Lynn, or possibly Susan (despite her detail)? I'll try to stay connected by cell, but with uncertain service in South Dakota and Montana, I can't guarantee timeliness.

As for internal records, yes, we should also check individual and shared drives for relevant correspondence. Yesterday I asked Sandeep to survey SEMS for responsive material within the requested time frame, a list that's only about 300 documents. Sandeep, can also determine whether you or previous RPMs relied on a shared drive to manage records for this site? If so, please take a look there for responsive documents.

Jared Pessetto
Office of Regional Counsel
U.S. EPA, Region 7
(913) 551-7793

From: Juett, Lynn <Juett.Lynn@epa.gov>
Sent: Thursday, August 06, 2020 2:50 PM
To: Pessetto, Jared <Pessetto.Jared@epa.gov>; McLarty, Cody <McLarty.Cody@epa.gov>; Mehta, Sandeep <mehta.sandeep@epa.gov>
Subject: RE: Vogel Paint & Wax Company Superfund Site - Draft EPA Supplemental Memorandum to the Fifth Five-Year Review Report

Sandeep/Jared – can anyone tell me how long Jared is out of the office? I am assuming that there is an electronic search of certain people's email going on. Are we supposed to search our own hard drives for responsive records? Who is checking the Superfund shared drive?

Sandeep, I see you sent an email with a link to a One Drive Folder. What does this folder contain? What documents do you want others to put in the folder?

Thank You,

Lynn M Juett

Chief, Site Remediation Branch
Superfund and Emergency Management Division
US EPA Region 7
11201 Renner Blvd, Lenexa, KS 66219
913-551-7883 (desk) 913-948-1129 (cell)

From: Pessetto, Jared <Pessetto.Jared@epa.gov>
Sent: Wednesday, August 05, 2020 5:42 PM
To: McLarty, Cody <McLarty.Cody@epa.gov>; Mehta, Sandeep <mehta.sandeep@epa.gov>
Cc: Juett, Lynn <Juett.Lynn@epa.gov>
Subject: RE: Vogel Paint & Wax Company Superfund Site - Draft EPA Supplemental Memorandum to the Fifth Five-Year Review Report

Cody, try [this link directly to the document](#). If that doesn't work, it's probably because I'm trying to share a folder in Sandeep's OneDrive and Microsoft isn't playing along.

Jared Pessetto
Office of Regional Counsel
U.S. EPA, Region 7
(913) 551-7793

From: McLarty, Cody <McLarty.Cody@epa.gov>
Sent: Wednesday, August 05, 2020 5:32 PM
To: Mehta, Sandeep <mehta.sandeep@epa.gov>
Cc: Pessetto, Jared <Pessetto.Jared@epa.gov>; Juett, Lynn <Juett.Lynn@epa.gov>
Subject: RE: Vogel Paint & Wax Company Superfund Site - Draft EPA Supplemental Memorandum to the Fifth Five-Year Review Report

Sandeep,

Can you please provide me access to the folder noted below? Let me know if you have any questions.

Regards,

Cody

Cody McLarty, PMP | Regional Program Management Coordinator
EPA Region 7 | Superfund Division | Immediate Office
11201 Renner Blvd | Lenexa, KS 66219
Phone: 913.551.7974 | Mobile: 816.589.7110
mclarty.cody@epa.gov | www.epa.gov



From: Pessetto, Jared <Pessetto.Jared@epa.gov>
Sent: Wednesday, August 05, 2020 5:19 PM
To: Mehta, Sandeep <mehta.sandeep@epa.gov>
Cc: McLarty, Cody <McLarty.Cody@epa.gov>; Hoefer, David <Hoefer.David@epa.gov>
Subject: RE: Vogel Paint & Wax Company Superfund Site - Draft EPA Supplemental Memorandum to the Fifth Five-Year Review Report

Sandeep & Cody:

I've made revisions to the FYR memo and saved them in a sub-folder of Sandeep's OneDrive for this site. Here is a direct link to the folder:

https://usepa-my.sharepoint.com/:f:/r/personal/mehta_sandeep_epa_gov/Documents/Vogel/Amendment/Revised%20Memo?csf=1&web=1&e=87Djt8

Ex. 5 Attorney Client (AC)

Please let me know if you have any questions before advancing this revised version to Lynn and Mary. As mentioned earlier, I'm out of the office Monday through Friday next week, likely with limited internet access. Hopefully we'll be in position to transmit the revised memo the following week.

Thanks,
Jared

Jared Pessetto
Office of Regional Counsel
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(913) 551-7793

From: Peterson, Mary <Peterson.Mary@epa.gov>
Sent: Tuesday, August 04, 2020 3:06 PM
To: pmoffat@verdantlaw.com
Cc: Fisher, Susan <Fisher.Susan@epa.gov>; Juett, Lynn <Juett.Lynn@epa.gov>; Mehta, Sandeep <mehta.sandeep@epa.gov>; Pessetto, Jared <Pessetto.Jared@epa.gov>; Alex.Moon@dnr.iowa.gov; amie.davidson@dnr.iowa.gov; Hylton Jackson <hylton.jackson@dnr.iowa.gov>; Scott.Heemstra@diamondvogel.com; Meika.Vogel@diamondvogel.com; ihantman@verdantlaw.com; pmoffat@verdantlaw.com
Subject: RE: Vogel Paint & Wax Company Superfund Site - Draft EPA Supplemental Memorandum to the Fifth Five-Year Review Report

Mr. Moffat,

This email acknowledges receipt of Vogel's comments on the draft Supplemental Memo to the Fifth Five-Year Review. After reviewing the comments, we will prepare responses and schedule a virtual meeting to discuss them with you. I expect that Jared Pessetto, EPA's site attorney, will be your primary contact in scheduling the virtual meeting.

From: Philip Moffat <pmoffat@verdantlaw.com>
Sent: Friday, July 31, 2020 2:26 PM
To: Peterson, Mary <Peterson.Mary@epa.gov>
Cc: Fisher, Susan <Fisher.Susan@epa.gov>; Juett, Lynn <Juett.Lynn@epa.gov>; Mehta, Sandeep <mehta.sandeep@epa.gov>; Pessetto, Jared <Pessetto.Jared@epa.gov>; Alex.Moon@dnr.iowa.gov; amie.davidson@dnr.iowa.gov; Hylton Jackson <hylton.jackson@dnr.iowa.gov>; Scott.Heemstra@diamondvogel.com; Meika.Vogel@diamondvogel.com; ihantman@verdantlaw.com; pmoffat@verdantlaw.com
Subject: Vogel Paint & Wax Company Superfund Site - Draft EPA Supplemental Memorandum to the Fifth Five-Year Review Report

Dear Ms. Peterson –

Attached are comments from Vogel Paint & Wax Company regarding the Agency's "Draft EPA Supplemental Memorandum to the Fifth Five-Year Review Report" for the site. Vogel appreciates EPA's willingness to "clear up the record" memorialized in Fifth Five-Year Review Report. However, the company remains concerned about the discrepancies between the Report and the lengthy administrative record for the site, including the 2000 ESD. Of particular concern is that the supplemental memorandum fails to address the company's objections to including the discussion about the point of compliance for the site. And the company is also concerned about the language of the protectiveness statement for the groundwater Operable Unit.

The company is committed to ensuring that this site remains protective of human health and the environment. However, presently there is a great deal of uncertainty and unpredictability regarding the process for getting the site cleaned, closed, and delisted. As EPA knows, this is one of the company's key objectives for doing the Pilot Study.

We look forward to receiving a revised draft of the supplemental memo from your staff. And we would welcome the opportunity to further discuss these issues with you and your staff in the near future.

I look forward to your response.

Best regards,

Philip A. Moffat

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